

## **DEVELOPMENT REVIEW COMMITTEE**

**Tuesday, May 29, 2019**

### **MEETING MINUTES**

The Monroe County Development Review Committee conducted a meeting on **Tuesday, May 29, 2019**, beginning at 1:00 p.m. at the Marathon Government Center, Media & Conference Room (1<sup>st</sup> floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

**CALL TO ORDER** by Emily Schemper

**ROLL CALL** by Debra Roberts

#### **DRC MEMBERS**

Emily Schemper, Assistant Director of Planning and Environmental Resources	Present
Cheryl Cioffari, Comprehensive Planning Manager	Present
Bradley Stein, Development Review Manager	Present
Mike Roberts, Sr. Administrator, Environmental Resources	Present

#### **STAFF MEMBERS**

Steve Williams, Assistant County Attorney (arrived at 2:24 p.m.)	Present
Peter Morris, Assistant County Attorney	Absent
Devin Rains, Planning & Development Permit Services Manager	Absent
Janene Scifani, Senior Planner	Absent
Debra Roberts, Senior Coordinator	Present

#### **CHANGES TO THE AGENDA**

There were no changes to the agenda. Items 4 and 5 were read together.

#### **MINUTES FOR APPROVAL**

Approval of the meeting minutes for Tuesday, April 23, 2019.

### **MEETING**

**1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** EXTENDING AN INTERIM DEVELOPMENT ORDINANCE AS INITIALLY ESTABLISHED ON JULY 19, 2017 THROUGH ORDINANCE 010-2017, AND EXTENDED THROUGH ORDINANCE 019-2018, FOR AN ADDITIONAL 365 DAYS TO DEFER THE ACCEPTANCE AND APPROVAL OF NEW APPLICATIONS FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSING FACILITIES COMMENCING OCTOBER 27, 2019, UNTIL SUCH TIME AS A COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AMENDMENT PROCESS IS COMPLETED REGARDING MEDICAL MARIJUANA DISPENSING FACILITIES AND PROVIDING FOR EXPIRATION WITHIN 365 DAYS OF THE EFFECTIVE DATE OF THIS INTERIM DEVELOPMENT ORDINANCE OR WHEN THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AMENDMENTS BECOME EFFECTIVE, WHICHEVER COMES

FIRST; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-061)

Mr. Bradley Stein, Development Review Manager, presented the staff report. This is an extension for 365 days or until the LDC or Comp Plan has been updated, whichever comes first. Staff recommends approval.

Ms. Emily Schemper asked for staff comments or questions. There were none. Ms. Schemper asked for public comment. There was none.

**2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** EXTENDING AN INTERIM DEVELOPMENT ORDINANCE AS INITIALLY ESTABLISHED ON JULY 19, 2017 THROUGH ORDINANCE 012-2017, AND EXTENDED THROUGH ORDINANCE 018-2018, FOR AN ADDITIONAL 365 DAYS TO DEFER THE APPROVAL OF NEW APPLICATIONS OR RECEIVED APPLICATIONS THAT HAVE NOT BEEN FULLY APPROVED FOR COMPREHENSIVE PLAN OR LAND DEVELOPMENT CODE AMENDMENTS, DEVELOPMENT AGREEMENTS (INCLUDING 380 DEVELOPMENT AGREEMENTS), AND MINOR AND MAJOR CONDITIONAL USE PERMITS (EXCLUDING APPLICATIONS PROPOSING ONLY AFFORDABLE HOUSING DWELLING UNITS), WITH PROPOSED OCCUPANCY BY "THREE UNRELATED PEOPLE" OR "TWO UNRELATED PEOPLE AND ANY CHILDREN RELATED TO EITHER OF THEM" OF A DWELLING UNIT, AND APPLICATIONS UTILIZING THE TERM "LOCK-OUT," COMMENCING OCTOBER 27, 2019, UNTIL THE BOCC CAN REVIEW AND POSSIBLY AMEND THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE REGARDING THE DEFINITIONS OF DWELLING UNIT; HOUSEHOLD; FAMILY AND THE UNDEFINED TERM "LOCK-OUT" OF A DWELLING UNIT; PROVIDING FOR EXPIRATION WITHIN 365 DAYS OF THE EFFECTIVE DATE OF THIS INTERIM DEVELOPMENT ORDINANCE OR WHEN THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AMENDMENTS BECOME EFFECTIVE, WHICHEVER COMES FIRST; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-081)

Ms. Cheryl Cioffari, Comprehensive Planning Manager, presented the staff report. This is an extension to an interim development ordinance originally established on July 19, 2017, through Ordinance 12-2017 and extended through Ordinance 009-2018. Definitions are currently being developed on "Lock-Outs" which is not currently in the Code or Comp Plan. This is currently due to expire on October 27, so the idea is to extend this until Comp Plan and Code changes can be made. Staff recommends approval.

Ms. Schemper asked for staff comments or questions. There were none. Ms. Schemper asked for public comment. There was none.

**3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** EXTENDING AN INTERIM DEVELOPMENT ORDINANCE AS

INITIALLY ESTABLISHED ON JULY 19, 2017 THROUGH ORDINANCE 011-2017, AND EXTENDED THROUGH ORDINANCE 020-2018, FOR AN ADDITIONAL 365 DAYS TO DEFER THE APPROVAL OF NEW PRIVATE APPLICATIONS OR RECEIVED APPLICATIONS THAT HAVE NOT BEEN FULLY APPROVED UTILIZING MONROE COUNTY CODE SECTION 139-2 (AFFORDABLE HOUSING INCENTIVE PROGRAM) TO TRANSFER ROGO EXEMPTIONS FROM MOBILE HOMES TO ANOTHER LOCATION, OR SECTION 138-22(B) TO TRANSFER OFF-SITE MARKET RATE UNITS TO ANOTHER LOCATION, COMMENCING OCTOBER 27, 2019, UNTIL THE LAND DEVELOPMENT CODE IS AMENDED TO LIMIT THE TRANSFER OF ROGO EXEMPTIONS FROM MOBILE HOMES TO ONLY TIER III DESIGNATED PLATTED LOTS WITHIN THE IMPROVED SUBDIVISION (IS) LAND USE DISTRICT OR THE URBAN RESIDENTIAL MOBILE-HOME (URM) LAND USE DISTRICT AND WITHIN THE SAME ROGO PLANNING SUBAREA FOR THE DEVELOPMENT OF SINGLE FAMILY DETACHED DWELLING UNITS AND THE RECEIVER PROPERTY SHALL NOT BE A WORKING WATERFRONT; EXCEPT TO ALLOW NEW APPLICATIONS, OR RECEIVED APPLICATIONS THAT HAVE NOT FULLY BEEN APPROVED, PURSUANT TO RESOLUTION 203-2018, TO UTILIZE MONROE COUNTY CODE SECTION 139-2 (AFFORDABLE HOUSING INCENTIVE PROGRAM) OR SECTION 138-22(B) (TRANSFER OF ROGO EXEMPTIONS) TO TRANSFER MARKET RATE ROGO EXEMPTIONS TO TIER III PLATTED LOTS WITHIN THE IMPROVED SUBDIVISION (IS) OR URBAN RESIDENTIAL MOBILE-HOME (URM) LAND USE DISTRICT AND WITHIN THE SAME ROGO PLANNING SUBAREA FOR THE DEVELOPMENT OF SINGLE FAMILY DETACHED DWELLING UNITS PROVIDED THE RECEIVER SITE IS NOT A WORKING WATERFRONT; AS RECOMMENDED BY THE AFFORDABLE HOUSING ADVISORY COMMITTEE AND THE BOCC; PROVIDING FOR EXPIRATION WITHIN 365 DAYS OF THE EFFECTIVE DATE OF THIS INTERIM DEVELOPMENT ORDINANCE OR WHEN THE LAND DEVELOPMENT CODE AMENDMENTS BECOME EFFECTIVE, WHICHEVER COMES FIRST; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-082)

Ms. Cheryl Cioffari presented the staff report. This is an extension to a Development Order. Applications that meet the criteria in Resolution 203-2018 are being processed.

Ms. Schemper asked for staff questions or comments. There were none. Ms. Schemper asked for public comment.

Mr. Bill Hunter asked if the resolution that passed in 2018, which had opened this up a little bit, allowed transfer from Mobile Home to Urban Residential. Ms. Schemper explained that anything that could be transferred from Mobile Home or other sites under the current Code was still locked down unless it was only for affordable housing. This would open it up unless it meets the listed criteria. Transfers could go to URM or IS as long as it's a Tier III legally-platted lot within the same Subarea as the sender site and it's not a working waterfront. Mr. Hunter asked if specifically, Wrecker's Cay could transfer off. Ms. Schemper responded they could transfer off ROGOS to another location providing it meets the criteria, which are the same criteria that were the purpose for the idea, but would put a pause on the transfers until the Code is

amended listing the criteria. Mr. Hunter asked about a transfer not going to URM or IS, and Ms. Schemper stated those would be on hold for now. Transfers can only go to URM or IS on individual single-family lots, rather than to sites doing big multi-family developments. The Map Amendment will change the Wrecker's Cay site to all UR which is not an eligible receiver site for ROGO exemptions under the Interim Development Ordinance, even with the opened-up portion.

Ms. D.A. Aldridge noted there was a public meeting on May 21, and asked if anyone was at that meeting. Ms. Cioffari responded that no public had attended. Mr. Hunter and Ms. D.A. Aldridge requested that these meetings be posted on the County website. Ms. Debra Roberts indicated they would be posted on the County Calendar.

**4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING POLICY 101.3.2 OF THE 2030 MONROE COUNTY COMPREHENSIVE PLAN TO EXTEND THE TIME PERIOD OF THE RATE OF GROWTH ORDINANCE (ROGO) THROUGH 2026. (FILE #2019-043)

**5. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING MONROE COUNTY LAND DEVELOPMENT CODE SECTION 138-24(A) TO EXTEND THE TIME PERIOD OF THE RATE OF GROWTH ORDINANCE (ROGO) THROUGH 2026. (FILE #2019-044)

Ms. Cheryl Cioffari presented the staff report. On January 30, 2019, staff was directed by the BOCC to extend the time period of the Rate of Growth Ordinance under Policy 101.3.2. Staff is required to reevaluate the ROGO allocation distribution schedule and if substantial financial support is received by July 12, 2018, for land acquisition to retire development rights, staff can consider amending the schedule. In 2012, a memorandum of understanding was entered into with the Department of Economic Opportunity, Marathon, Islamorada, Key West, Key Colony Beach, Layton and the Division of Emergency Management. The MOU provides the distribution allocation schedule to all of the municipalities and based on the MOU, the County received 197 ROGO allocations annually for a total of 1,970 over a ten-year period. The current ROGO schedule will be exhausted in 2023. In the meantime, DEO will be running an evacuation model after the completion of the 2020 Census using updated data and analysis. In order to give the County additional time to consider what that means, the ROGO distribution will be extended out for another three years. Starting in July 2020, the allocations will be reduced from 126 per year to 64 for three years, and then 62 per year for the last three years of ROGO. The allocations are limited in Big Pine Key and No Name Key through the Incidental Take Permit ending in 2023. Staff recommends approval.

Ms. Schemper asked for questions or comments from staff. There were none. Ms. Schemper asked for public comment. Mr. Bill Hunter asked if Big Pine was extending out in the same manner. Ms. Schemper indicated Big Pine was included, changing from 8 to 4 for all six years.

#### **ADJOURNMENT**

The Development Review Committee meeting was adjourned at 1:19 p.m.